

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROBERT C. WOLSCHLAGER,

Plaintiff,

v.

KEVIN KNOBLOCK,

Defendant.

Case No. 05-10277-BC

Hon. David M. Lawson

Magistrate Judge Charles E. Binder

---

**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE  
JUDGE, OVERRULING OBJECTIONS, AND DISMISSING ACTION**

This matter is before the Court on the magistrate judge's recommendation that the case be *sua sponte* dismissed without prejudice. On October 28, 2005, the plaintiff filed his complaint alleging that the defendant, a police officer, visited him in the hospital without a warrant and without identifying himself as a police officer. The complaint further alleges that the defendant served the plaintiff with "conficion papers" involving a car the plaintiff does not own. The case was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b). The magistrate judge issued his report on November 21, 2005, recommending that this Court dismiss the case because it is frivolous and fails to state a claim on which relief may be granted.

The plaintiff filed objections to the magistrate judge's report, and the Court has reviewed this matter *de novo*. The plaintiff's objections repeat the allegations in the complaint. The plaintiff believes the defendant violated hospital rules by visiting him without a warrant because the defendant is not on the plaintiff's visitor's list. However, the plaintiff's objections fail to explain what law he believes the defendant violated, and the Court's own research has likewise not found one. Whatever rules the hospital may enforce about visitors, those rules are not enforceable in this Court. In addition, the papers allegedly served on the defendant relate to a car not owned by the

plaintiff. The Court is unable to determine a claim that can be based on such facts. The plaintiff is proceeding *in forma pauperis* (IFP). The Court is required to dismiss IFP cases that are frivolous or fail to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2). Even if everything the plaintiff states in his complaint and his objections is true, it still does not provide a basis for rejecting the recommendation of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 5] is **ADOPTED**, the plaintiff's objections are **OVERRULED**, and the plaintiff's case is **DISMISSED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: June 6, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 6, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS